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INST. NO 2005

2005 JAN 27 A 11:07

004869

LANCASTER COUNTY, NE

BLOCK

CODE

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855.50

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04R-329

Introduce: 12-20-04

83147

RESOLUTION NO. A-

SPECIAL PERMIT NO. 1999A

1 WHEREAS, Lincoln Federal Bancorp, Inc. has submitted an application designated as  
 2 Special Permit No. 1999A for authority to amend Wilderness Hills Community Unit Plan to  
 3 adjust the rear setback to <sup>five</sup>~~zero~~ feet for Lots 9-23, Block 2; adjust the rear setback to five feet for  
 4 Lots 8-34, Block 7; waive the maximum lot width to depth ratio; waive the minimum lot depth;  
 5 and to allow double frontage lots for an attached single family and town home development of  
 6 approximately 66 units between Wilderness Hills Boulevard and Whispering Wind Boulevard, on  
 7 property located northeast of the intersection of South 27th Street and Whispering Wind  
 8 Boulevard, and legally described to wit:

9 Lots 5, 14, and 15, and portions of Lots 12, 16, 17, 20, 36, 37, 38,  
 10 and 39, Irregular Tracts, located in the Northwest and Southwest  
 11 Quarters of Section 30, Township 9 North, Range 7 East of the  
 12 6th P.M., Lancaster County, Nebraska and being more particularly  
 13 described as follows:

14 Referring to the north quarter corner of said Section 30; thence on  
 15 the north line of said Section 30, south 88 degrees 46 minutes 00  
 16 seconds west, 99.88 feet; thence south 01 degrees 14 minutes 00  
 17 seconds east, 50.00 feet to the point of beginning; thence south  
 18 00 degrees 09 minutes 12 seconds east, 162.04 feet; thence  
 19 south 08 degrees 06 minutes 52 seconds west, 135.60 feet;  
 20 thence southerly on a 2,030.00 foot radius curve to the right, an  
 21 arc length of 891.45 feet (long chord bears south 12 degrees 25  
 22 minutes 37 seconds west, 884.31 feet); thence south 25 degrees  
 23 00 minutes 27 seconds west, 151.66 feet; thence south 69  
 24 degrees 21 minutes 56 seconds east, 11.75 feet; thence south 20  
 25 degrees 38 minutes 04 seconds west, 87.05 feet; thence north 68  
 26 degrees 48 minutes 48 seconds west, 5.00 feet; thence north 69  
 27 degrees 21 minutes 56 seconds west, 10.70 feet; thence westerly  
 28 on a 2,558.00 foot radius curve to the left, an arc length of 771.00  
 29 feet (long chord bears north 78 degrees 00 minutes 00 seconds  
 30 west, 768.08 feet); thence south 13 degrees 28 minutes 51  
 31 seconds east, 221.71 feet; thence south 12 degrees 35 minutes  
 32 31 seconds east, 83.37 feet; thence south 02 degrees 58 minutes  
 33 55 seconds east, 79.47 feet; thence south 00 degrees 07 minutes  
 34 52 seconds east, 558.72 feet; thence south 89 degrees 56

AMENDED 1-10-05

Handwritten initials: CJC EDC

Handwritten signature: Teresa City Clerk

1 minutes 50 seconds west, 120.00 feet; thence south 00 degrees  
2 07 minutes 52 seconds east, 15.60 feet; thence south 89 degrees  
3 52 minutes 08 seconds west, 360.00 feet; thence north 00  
4 degrees 07 minutes 52 seconds west, 5.02 feet; thence south 89  
5 degrees 52 minutes 08 seconds west, 120.00 feet; thence south  
6 00 degrees 07 minutes 52 seconds east, 489.87 feet; thence  
7 westerly on a 1,970.00 foot radius curve to the left, an arc length  
8 of 77.65 feet (long chord bears south 83 degrees 06 minutes 17  
9 seconds west, 77.65 feet); thence south 81 degrees 58 minutes  
10 32 seconds west, 319.63 feet; thence south 80 degrees 07  
11 minutes 47 seconds west, 303.80 feet; thence north 89 degrees  
12 57 minutes 32 seconds west, 220.27 feet; thence north 00  
13 degrees 00 minutes 43 seconds west, 102.16 feet; thence north  
14 00 degrees 02 minutes 55 seconds west, 1,352.52 feet; thence  
15 north 89 degrees 56 minutes 47 seconds east, 263.56 feet; thence  
16 easterly on a 400.00 foot radius curve to the left, an arc length of  
17 104.72 feet (long chord bears north 82 degrees 20 minutes 48  
18 seconds east, 104.42 feet); thence north 74 degrees 50 minutes  
19 48 seconds east, 296.69 feet; thence easterly on a 1,286.72 foot  
20 radius curve to the right, an arc length of 325.25 feet (long chord  
21 bears north 82 degrees 36 minutes 18 seconds east, 324.38 feet);  
22 thence north 89 degrees 50 minutes 47 seconds east, 305.69 feet;  
23 thence easterly on a 2,600.00 foot radius curve to the right, an arc  
24 length of 361.29 feet (long chord bears south 86 degrees 10  
25 minutes 21 seconds east, 361.00 feet); thence north 17 degrees  
26 23 minutes 24 seconds east, 419.85 feet; thence northerly on a  
27 530.00 foot radius curve to the left, an arc length of 162.28 feet  
28 (long chord bears north 08 degrees 37 minutes 06 seconds east,  
29 161.65 feet); thence north 00 degrees 09 minutes 12 seconds  
30 west, 619.62 feet; thence north 88 degrees 46 minutes 00  
31 seconds east, 707.81 feet to the point of beginning; containing  
32 2,783,855.63 square feet (63.91 acres) more or less;

33 WHEREAS, the real property adjacent to the area included within the site plan for this  
34 amended community unit plan will not be adversely affected; and

35 WHEREAS, said site plan together with the terms and conditions hereinafter set forth  
36 are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote  
37 the public health, safety, and general welfare.

38 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,  
39 Nebraska:

AMENDED 1-10-05

1 That the application of Lincoln Federal Bancorp, Inc., hereinafter referred to as  
 2 "Permittee", to amend Wilderness Hills Community Unit Plan to adjust the rear setback to ~~zero~~<sup>five</sup>  
 3 feet for Lots 9-23, Block 2; adjust the rear setback to five feet for Lots 8-34, Block 7; waive the  
 4 maximum lot width to depth ratio; waive the minimum lot depth; and to allow double frontage  
 5 lots for an attached single family and town home development of approximately 66 units  
 6 between Wilderness Hills Boulevard and Whispering Wind Boulevard, on the property legally  
 7 described above, be and the same is hereby granted under the provisions of Section 27.63.320  
 8 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation  
 9 of said community unit plan be in strict compliance with said application, the site plan, and the  
 10 following additional express terms, conditions, and requirements:

11 1. This permit approves the amendment to the Wilderness Hills CUP to adjust the  
 12 rear setback to ~~zero~~<sup>five</sup> feet for Lots 9-23, Block 2 and to five feet for Lots 8-34, Block 7, to waive  
 13 the minimum lot depth for Lot 8, Block 2, and to allow Lots 1-5, Block 2 to have double frontage.

- 14 2. Final plats will be approved by the Planning Director after:
- 15 a. The Subdivider has completed or posted a surety to guarantee the
  - 16 completion of the public streets, private roadway improvements,
  - 17 sidewalks, sanitary sewer system, water system, drainage facilities, land
  - 18 preparation and grading, sediment and erosion control measures, storm
  - 19 water detention/retention facilities, drainage way improvements, street
  - 20 lights, landscaping screens, street trees, temporary turnarounds and
  - 21 barricades, and street name signs.
  - 22 b. The Subdivider has posted a security to guarantee the required impact
  - 23 fee facility contributions required pursuant to the Annexation Agreement.
  - 24 c. The Subdivider has signed an agreement that binds the Subdivider and
  - 25 Subdivider's successors and assigns:

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- i. To complete the street paving of public streets shown on the final plat within two (2) years following the approval of the final plat.
  - ii. To complete the paving of private roadways shown on the final plat within two (2) years following the approval of this final plat.
  - iii. To complete the installation of sidewalks along both sides of the streets as shown on the final plat within four (4) years following the approval of the final plat.
  - iv. To construct the sidewalk in the pedestrian way easements in Outlots C and D at the same time as Keystone Drive is paved and to agree that no building permit shall be issued for construction on Lot 9, Block 2 and Lot 8, Block 7 until such time as the sidewalk in the pedestrian way easement is constructed.
  - v. To complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
  - vi. To complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
  - vii. To complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
  - viii. To complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
  - ix. To complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat.
  - x. To complete the installation of public street lights within this plat within two (2) years following the approval of the final plat.
  - xi. To complete the installation of private street lights within this plat within two (2) years following the approval of the final plat.
  - xii. To complete the planting of the street trees within this plat within four (4) years following the approval of the final plat.
  - xiii. To complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.
  - xiv. To complete the installation of the street name signs within two (2) years following the approval of the final plat.

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- xv. To timely complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance which has not been waived, but inadvertently may have been omitted from the above list of required improvements.
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- xvi. To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
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- xvii. To complete the public and private improvements shown on the Community Unit Plan.
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- xviii. To retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
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- xix. To continuously and regularly maintain the street trees along the private roadways and landscape screens.
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- xx. To submit to the lot buyers and home builders a copy of the soil analysis.
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- xxi. To pay all design, engineering, labor, material, inspection, and other improvement costs
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- xxii. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
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- xxiii. To perpetually maintain the sidewalks in the pedestrian way easements on Outlots C and D at their own cost and expense.
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- xxiv. To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the Subdivider.

- 1 xxv. To relinquish the right of direct vehicular access to South 27<sup>th</sup>  
2 Street and Yankee Hill Road except as shown on the plat.
- 3 3. Before receiving building permits:
- 4 a. The Permittee must submit an acceptable, revised and  
5 reproducible final plan including five copies.
- 6 b. The construction plans must conform to the approved plans.
- 7 c. Final plats within this community unit plan must be approved by  
8 the City.
- 9 4. Before occupying the dwelling units all development and construction  
10 must be completed in conformance with the approved plans.
- 11 5. All privately-owned improvements must be permanently maintained by the  
12 Permittee or an appropriately established association of property owners approved by the City  
13 Attorney.
- 14 6. The site plan approved by this permit shall be the basis for all  
15 interpretations of setbacks, yards, locations of buildings, location of parking and circulation  
16 elements, and similar matters.
- 17 7. The terms, conditions, and requirements of this resolution shall be binding  
18 and obligatory upon the Permittee, its successors, and assigns. The building official shall report  
19 violations to the City Council which may revoke the special permit or take such other action as  
20 may be necessary to gain compliance.
- 21 8. The Permittee shall sign and return the City's letter of acceptance to the  
22 City Clerk within 30 days following approval of the special permit, provided, however, said 30-  
23 day period may be extended up to six months by administrative amendment. The City Clerk  
24 shall file a copy of the resolution approving the special permit and the letter of acceptance with  
25 the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

1                    9.        The site plan as approved with this resolution voids and supersedes all  
2        previously approved site plans, however all resolutions approving previous permits remain in  
3        force unless specifically amended by this resolution.

Introduced by:

*A. A. M. McRoy*

AYES: Camp, Cook, Friendt,  
McRoy, Newman, Svoboda,  
Werner; NAYS: None.

Approved as to Form & Legality:

*Donald W. Papa*  
City Attorney

Approved this 12 day of Jan, 2005:  
*Allen J. Seery*  
Mayor

**ADOPTED**

JAN 10 2005

BY CITY COUNCIL

**04R-329**

1/10/05 Council Proceedings:

**SVOBODA** Moved to amend Bill No. 04R-329 in the following manner: on page 1, line 3, delete the word "zero" and insert in lieu thereof the word "five"; on page 3, line 2, delete the word "zero" and insert in lieu thereof the word "five"; and on page 3, line 12, delete the word "zero" and insert in lieu thereof the word "five".

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**MCROY** Moved to adopted the resolution as amended.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.



MOTION TO AMEND NO. 1

I hereby move to amend Bill No. 04R-329 in the following manner:

1. On page 1, line 3, delete the word "zero" and insert in lieu thereof the word "five".
2. On page 3, line 2, delete the word "zero" and insert in lieu thereof the word "five".
3. On page 3, line 12, delete the word "zero" and insert in lieu thereof the word "five".

Introduced by:

AYES: Camp, Cook, Friendt,  
McRoy, Newman, Svoboda,  
Werner; NAYS: None.

Approved as to Form & Legality:

  
City Attorney

Requested by: Planning Department

Reason for Request: To provide for a five-foot rear setback as recommended by Planning Staff rather than the zero foot setback as requested by applicant on Lots 9 - 23, Block 2.

**ADOPTED**  
JAN 10 2005  
BY CITY COUNCIL

BLOCK  
CODE  
CHECKED  
ENTERED  
EDITED

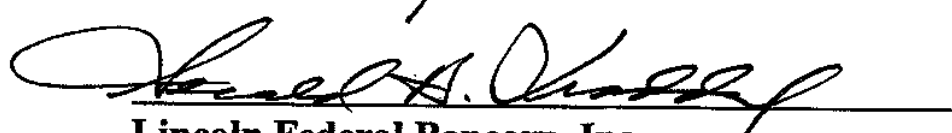
**LETTER OF ACCEPTANCE**

City Council  
City of Lincoln  
Lincoln, Nebraska

To The City Council:

I, GERALD H. MADDOX the undersigned representative(s) of **Lincoln Federal Bancorp, Inc.**, Permittee(s) in **Special Permit 1999A** granted by **Resolution A-83147** adopted by the City Council of the City of Lincoln, Nebraska, on **Jan. 10, 2005** do hereby certify that I have thoroughly read said resolution, understand the contents thereof and do hereby accept without qualification all of the terms, conditions, and requirements therein.

Dated this 25<sup>th</sup> day of JANUARY, 2005.

  
**Lincoln Federal Bancorp, Inc.**

# CERTIFICATE

STATE OF NEBRASKA            )  
COUNTY OF LANCASTER        ) ss:  
CITY OF LINCOLN                )

I, Teresa J. Meier, Deputy City Clerk of the City of Lincoln, Nebraska, do hereby certify that the above and foregoing is a true and correct copy of **Special Permit 1999A** approved by **Resolution A-83147** adopted by the City Council on **Jan. 10, 2005** as the original appears of record in my office, and is now in my charge remaining as Deputy City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska, this 27<sup>th</sup> day of January, 2005.

*Teresa J. Meier*  
Deputy City Clerk

